

REMARKS

Claims 1-21 and 23-35 are pending at the time of this action. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 4, 6-10, and 21 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by US Patent Number 6,269,819 to Oz. It is not clear from the office action whether the examiner is rejecting these claims under 35 U.S.C. § 102(a) or 35 U.S.C. § 102(e). The examiner stated that the claims are rejected under 35 U.S.C. 102(e) in paragraph 4 of the office action but cited to 35 U.S.C. 102(a) in paragraph 3 of the office action. Regardless, the anticipation rejection (under either 35 U.S.C. § 102(a) or § 102(e)) is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Claim 1 is not anticipated by Oz because Oz fails to teach or suggest every element of claim 1. For example, Oz fails to teach or suggest holding leaflets of the heart valve together so as to reduce regurgitation in the heart valve in combination with deploying a structure from a catheter on or near the annulus of the heart valve. Oz only shows the step of holding the valve leaflets together. Oz fails to teach or suggest the additional step of deploying a structure from a catheter on or near an annulus of the heart valve, the structure adapted to modify the annulus so as to reduce regurgitation in the heart valve. Although Oz describes the use of an annuloplasty ring (col. 10, lines 2-4), it is only in the context of a "conventional", surgical placement of the annuloplasty ring. Oz makes no mention of using a catheter to deploy a structure on the annulus and to hold valve leaflets together in a single method. Thus, Applicants respectfully submit that claim 1 is patentably distinct over the cited art. Claims 4 and 6-10 all depend from claim 1 and are patentable over the prior art for at least those reasons articulated with respect to claim 1, as well as on their own merit.

Claim 21 recites "implanting the annuloplasty device from the catheter at the heart valve to effect a geometric change in an annulus of the heart valve so as to reduce regurgitation in the

heart valve.” As discussed above, Oz fails to teach or suggest the use of a catheter to implant an annuloplasty device at the heart valve. Rather, Oz only shows the use of a catheter to deploy a leaflet fastener. Furthermore, Oz fails to teach or suggest coapting leaflets of the heart valve so as to reduce regurgitation in the heart valve in combination with effecting a geometric change in an annulus of the heart valve. Thus, Applicants respectfully submit that claim 1 is patentably distinct over Oz.

Claim Rejections under 35 U.S.C. § 103

Claims 2, 3, 5, 11-20, 22-26, 27-35, stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oz in view of US Patent Number 6,143,024 to Campbell. Applicants respectfully traverse this rejection.

Independent claim 11 and dependent claims 12-20

Neither Oz or Campbell teach or suggest modifying a spatial relationship between a first valve leaflet and a second valve leaflet of the heart valve so as to reduce regurgitation in the heart valve in combination with implanting an annuloplasty device from a catheter at the heart valve. Oz only show fastening the leaflets of the heart valve together and does not show implanting an annuloplasty device from a catheter at the heart valve. On the other hand, Campbell only shows an annuloplasty device comprising a ring and does not show modifying the spatial relationship between a first valve leaflet and a second valve leaflet. The examiner has failed to cite anything in Oz or Campbell that would suggest or motivate one of ordinary skill in the art to combine implantation of an annuloplasty device at the heart valve with modification of the spatial relationship between the first and second leaflets into a single method.

Moreover, both Campbell and Oz fail to teach or suggest that an annuloplasty ring is implanted using a catheter. Rather, in both references, an annuloplasty ring is implanted surgically. There is no mention in either reference that the annuloplasty ring is implanted using a catheter. For at least the foregoing reasons, the rejection of claim 11 should be withdrawn. Claims 12-20 are patentable based on their dependence on claim 11, as well as on their own merit.

Independent claim 27 and dependent claims 28-35

As discussed above, neither Oz or Campbell teach or suggest holding leaflets of the heart valve together at one or more adjacent locations in a manner that reduces regurgitation in the valve in combination with implanting an annuloplasty device at the heart valve. Oz only shows holding the leaflets together and does not show implantation of an annuloplasty device using a catheter. Campbell only shows an annuloplasty device and does not show holding leaflets of the heart valve together. Both Campbell and Oz fail to teach or suggest that an annuloplasty ring is implanted using a catheter. For at least the foregoing reasons, the rejection of claim 27 should be withdrawn.

Claims 28-35 are patentable based on their dependence on claim 27, as well as on their own merit. For example, claim 30 relates to deploying an annuloplasty device on an atrial side of the annulus. The examiner asserted that Oz teaches that the structure can be deployed on the atrial side of the annulus (Oz, column 7, lines 51-58.). However, Oz does not teach deploying an annuloplasty device on an atrial side of the annulus. Oz only describes grasping the leaflets on the atrial side. As stated in Oz, the "grasper will cross the valve and then be manipulated to revert to grasp *the leaflets* from the atrial side..." (Oz, column 7, lines 53-54.) Applicants respectfully request that the rejection of claims 27-35 be withdrawn.

Dependent claims 2, 3, and 5

As discussed above, claim 1 recites features that are neither taught nor suggested by Oz. Claims 2, 3, and 5 all depend from claim 1 and are patentable over the prior art for at least those reasons articulated with respect to claim 1, as well as on their own merit.

Dependent claims 22-26

As discussed above, claim 21 recites features that are neither taught nor suggested by Oz. Claim 22 has been canceled. Claims 23-26 all depend from claim 21 and are patentable over the prior art for at least those reasons articulated with respect to claim 21, as well as on their own merit.

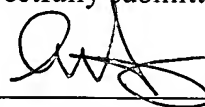
Conclusion

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the amendments and remarks herein, Applicants believe that Claims 1-21 and 23-35 are in condition for allowance and ask that these pending claims be allowed. The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In the absence of a Notice of Allowance, an interview with the Examiner is respectfully requested. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,



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Date: August 16, 2006

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